

REMARKS

Claims 1-23 remain in the application. Only claim 1 is in independent form. Claims 6, 8, 16, and 18 were previously canceled without prejudice. Claim 1 has been amended, and support can be found in the specification in paragraphs [0018] and [0019] as further explained below. No new matter has been added.

The Office Action holds that claims 1-3 are anticipated by Japanese Patent Document JP62203824 to Yamada. Anticipation has always been held to require absolute identity in structure between the claimed structure and a structure disclosed in a single reference.

In Hybritech Inc. v. Monoclonal Antibodies, Inc., 802 F.2d 1367, 231 U.S.P.Q.81 (Fed. Cir. 1986) it was stated: "For prior art to anticipate under § 102, it has to meet every element of the claimed invention."

Yamada discloses a drive roller (5) that contacts a sphere that is rotated around a horizontal axis. Yamada's drive roller provides friction for the **linear** movement of the **sphere**. The drive roller allows for the sphere to move perpendicular to the horizontal axis by rotating the drive roller solely around the horizontal. There is no disclosure or even a suggestion of the drive roller being rotatable about any other axis. According to the translation of the abstract, the drive roller is rotated around a horizontal axis.

The present invention as set forth in independent claim 1 includes active drive means that engage a sphere, the active drive means including an actuating device, which further includes a drive mechanism (paragraph

[0018]). In contradistinction to the invention disclosed by Yamada, the drive mechanism of the claimed invention provides "frictional engagement contact to roll or move the sphere in any particular direction" (paragraph [0018]). The rotation of the sphere in any direction depends on the direction of rotation of the drive mechanism (paragraph [0019]). Thus the claimed invention discloses an embodiment of the invention that provides a drive mechanism that moves in a **rotational** direction to provide frictional engagement contact onto the sphere, not around a single axis as in Yamada.

The remaining dependent claims are all ultimately dependent upon independent claim 1, discussed above. No other prior art reference makes up for the deficiencies of the Yamada patent discussed above, as no prior art reference discloses or even suggests the characterizing feature of independent claim 1. Such a combination of references can only be made through hindsight after first understanding the present invention. Such hindsight is improper as a basis for a rejection, as a matter of law. Accordingly, all of the pending claims are in condition for allowance and reconsideration of the rejection is respectfully requested.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

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CERTIFICATE OF ELECTRONIC FILING VIA EFS-WEB

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I hereby certify that this correspondence is being electronically filed with the United States Patent & trademark Office on the above date.

/Sherry Kelly/
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